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UNITED STATES DISTRICT COURT

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9 EASTERN DISTRICT OF CALIFORNIA

10 ELORA ELMER, c/o C.R.F.,

11 Plaintiff,

12 v.

13 COMMISSIONER OF SOCIAL SECURITY,

14 Defendant.

15 Case No. 1:22-cv-01045-SAB

16 ORDER GRANTING MOTION TO
17 APPOINT ELORA ELMER AS GUARDIAN
18 AD LITEM FOR C.R.F.

19 (ECF No. 6)

20 Elora Elmer, on behalf of minor C.R.F., filed this action on August 18, 2022, challenging
21 a final decision of the Commissioner of Social Security denying an application for disability
22 benefits. (ECF No. 1.) On September 20, 2022, the Court ordered Plaintiff to file an application
23 for the appointment of a guardian ad litem. (ECF No. 6.) On the same date, Plaintiff filed an
24 application to appoint Plaintiff's mother and physical caretaker Elora Elmer. (ECF No. 6.) The
25 Court finds good cause to grant the application.

26 Pursuant to Rule 17 of the Federal Rules of Civil Procedure, a representative of a minor
27 or incompetent person may sue or defend on the minor or incompetent person's behalf. Fed. R.
28 Civ. P. 17(c). This requires the Court to take whatever measures it deems appropriate to protect
the interests of the individual during the litigation. U.S. v. 30.64 Acres of Land, More or Less,
Situated in Klickitat Cty., State of Wash., 795 F.2d 796, 805 (9th Cir. 1986). The appointment
of the guardian ad litem is more than a mere formality. Id. "A guardian ad litem is authorized to
act on behalf of his ward and may make all appropriate decisions in the course of specific

1 litigation.” Id. A guardian ad litem need not possess any special qualifications, but he must “be
2 truly dedicated to the best interests of the person on whose behalf he seeks to litigate.” AT&T
3 Mobility, LLC v. Yeager, 143 F. Supp. 3d 1042, 1054 (E.D. Cal. 2015). This means that the
4 guardian ad litem cannot face an impermissible conflict of interest with the ward and courts
5 consider the candidate’s “experience, objectivity, and expertise” or previous relationship with the
6 ward. Id. (citations omitted).

7 “[W]hen a parent brings an action on behalf of a child, and it is evident that the interests
8 of each are the same, no need exists for someone other than the parent to represent the child’s
9 interests under Rule 17(c).” Gonzalez v. Reno, 86 F. Supp. 2d 1167, 1185 (S.D. Fla.), aff’d, 212
10 F.3d 1338 (11th Cir. 2000). While a parent is generally appointed as a guardian ad litem, there
11 are situations where the best interests of the minor and the interests of the parent conflict.
12 Anthem Life Ins. Co. v. Olgquin, No. 1:06-cv-01165 AWI NEW (TAG), 2007 WL 1390672, at *2
13 (E.D. Cal. May 9, 2007). Therefore, a parent is not entitled as a matter of right to act as guardian
14 ad litem for the child. Id., at *2.

15 The Court has considered the Plaintiff’s motion and the declaration of Elora Elmer in
16 consideration of whether to appoint her as guardian ad litem for C.R.F., and finds that no conflict
17 that would preclude her serving as a guardian ad litem.

18 Accordingly, IT IS HEREBY ORDERED that:

19 1. The motion to appoint guardian ad litem (ECF No. 6) is GRANTED; and
20 2. Elora Elmer is appointed guardian ad litem for minor C.R.F.

21 IT IS SO ORDERED.
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23 Dated: September 21, 2022



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UNITED STATES MAGISTRATE JUDGE